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Francoise Brun-Cottan

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EXAMINER

KEATON, SHERROD L

ART UNIT

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2175

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/756,988	<b>Applicant(s)</b> BRUN-COTTAN ET AL.	
	<b>Examiner</b> SHERROD KEATON	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the filing of 2-12-2010. Claims 1-21 are cancelled and 23-41 pending and have been considered below:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-26, 28 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al ("Parulski" 20070067295 A1) in view of Tomat et al. ("Tomat" 6784925)

**Claim 22:** Parulski discloses a method maintaining a user searchable digital image database, wherein said digital image database contains a plurality of digital images (abstract);

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displaying via a display screen at least one thumbnail image representing at least one digital image of said plurality of digital images within a frame

in response to a search for a digital image by said user (Paragraphs 15 and 49);

embedding within said frame a plurality of iconettes representing a plurality of user

selectable functions associated with said at least one digital image (Page 5, Paragraph 49); and

selecting at least one iconette among said plurality of iconettes to thereby display information relevant to said at least one digital image (Page 5, Paragraph 49).

Tomat is provided because it discloses an image within an individual frame with a plurality of icons/iconettes within the individual frame which are related to the thumbnail image and a selectable icon/iconette (Figures 22-24; Column 15, Line 54-Column 16, Line 2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the display functionality in Parulski as taught by Tomat. One would have been motivated to provide this functionality because it provides the user with easily accessible and detailed information about the image.

**Claim 23:** Parulski and Tomat disclose a method of claim 22 further comprising:

displaying information relevant to said at least one digital image in a form of

a graphical pop-up window by rolling a graphically displayed cursor over said at least one iconette (Parulski: Page 4, Paragraph 46; Page 5, Paragraph 48). Here the user

selects the show label icon and information about the image is displayed, additionally a

metadata icon is provided and once the image is selected the information is provided in

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a window.

**Claim 24:** Parulski and Tomat disclose a method of claim 22 further comprising:  
displaying an iconette information window comprising an interactive region  
for initiating at least one user transaction thereof by clicking said at least one iconette  
(Parulski: Page 5, Paragraph 49).

**Claim 25:** Parulski and Tomat disclose a method of claim 22 wherein said digital image  
database is searchable by said user by subject of said digital image (Parulski: Page 5,  
Paragraph 49).

**Claim 26:** Parulski and Tomat disclose a method of claim 22 wherein each iconette of  
said plurality of iconettes displays represents a different function for displaying different  
categories of information relevant to said digital image (Parulski: Page 5, Paragraph  
49).

**Claim 28:** Parulski and Tomat disclose a method of claim 22 wherein said user  
searchable digital image database is searchable by at least one of the following: a  
digital image subject, a photographer name, a date of digital image or location (Parulski:  
Page 5, Paragraph 49).

**Claim 36:** Is similar in scope to claim 22 and therefore rejected under the same rationale.

**Claim 37:** Is similar in scope to claim 23 and therefore rejected under the same rationale.

**Claim 38:** Is similar in scope to claim 24 and therefore rejected under the same rationale.

**Claim 39:** Is similar in scope to claim 28 and therefore rejected under the same rationale.

**Claim 40:** Is similar in scope to claim 26 and therefore rejected under the same rationale.

3. Claims 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al ("Parulski" 20070067295 A1) and Tomat et al. ("Tomat" 6784925) in further view of Willner et al. ("Willner" 7149370) and Davis et al. ("Davis" 7010144 B1).

**Claim 27:** Parulski and Tomat disclose a method of claim 26 but does not explicitly disclose wherein said different categories of information relevant to said digital image includes copyright data and data indicative of at least one of the following: file size, file format, royalties, file permissions and conditions of use. However Willner discloses a method and device for image surfing and discloses providing additional information about image including file size (Column 8, Lines 24-31). Additionally Davis discloses associating image metadata with an image which includes copyright information and format (Column 10, Lines 24-29 and 50-51; Column 11, Lines 8-10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide file information as additional metadata to be provided in the modified Parulski as taught by Willner and Davis. One would have been motivated to provide file information to inform the user of specific details which can enhance user's search capabilities, and additionally providing more detailed levels in Parulski.

**Claim 41:** Is similar in scope to claim 27 and therefore rejected under the same rationale.

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4. Claims 29-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al ("Parulski" 20070067295 A1) in view of Tomat et al. ("Tomat" 6784925) and Komar et al ("Komar" US 2003/0079224 A1).

**Claim 29:** Parulski disclose a method comprising:

maintaining a user searchable digital image database wherein said digital

image database contains a plurality of digital images (abstract);

displaying via a display screen at least one thumbnail image representing at least one digital image of said plurality of digital images within a frame in response to a search for a digital image by said user (Paragraphs 15 and 49);

embedding within said frame a plurality of iconettes representing a plurality of user selectable functions associated with said at least one digital image; and

selecting at least one iconette of said plurality of iconettes to thereby display information relevant to said at least one digital image (Page 5, Paragraph 49);

However Parulski does not explicitly disclose color-coded iconettes. However Komar has been provided because he discloses an image with selectable areas and icons around the image which can be color based (Page 2, Paragraph 20; Page 4, Paragraph 31). Therefore it would have been obvious to provide the color code functionality with the icons of Parulski as taught by Komar. One would have been motivated to provide



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the color code functionality in order to present multiple visual options (color/text) to user in order to distinguish selections.

selecting at least one iconette among said plurality of iconettes to thereby display information relevant to said at least one digital image (Page 5, Paragraph 49).

Tomat is further provided because it discloses an image within an individual frame with a plurality of icons/iconettes within the individual frame which are related to the thumbnail image and a selectable icon/iconette (Figures 22-24; Column 15, Line 54-Column 16, Line 2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the display functionality in Parulski as taught by Tomat. One would have been motivated to provide this functionality because it provides the user with easily accessible and detailed information about the image.

**Claim 30:** Parulski, Tomat and Komar disclose a method of claim 29 further comprising: displaying information relevant to said at least one digital image in a form of a graphical pop-up window by rolling a graphically displayed cursor over said at least one iconette (Parulski: Page 4, Paragraph 46; Page 5, Paragraph 48). Here the user selects the show label icon and information about the image is displayed, additionally a metadata icon is provided and once the image is selected the information is provided in a window.

**Claim 31:** Parulski, Tomat and Komar disclose a method of claim 29 further comprising: displaying an iconette information window comprising an interactive region

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for initiating at least one user transaction thereof by clicking said at least one iconette (Parulski: Page 5, Paragraph 49).

**Claim 32:** Parulski, Tomat and Komar disclose a method of claim 29 wherein said digital image database is searchable by said user by subject of said digital image (Parulski: Page 5, Paragraph 49).

**Claim 33:** Parulski, Tomat and Komar disclose a method of claim 29 wherein each iconette of said plurality of color-coded iconettes displays represents a different function for displaying different categories of information relevant to said digital image (Parulski: Page 5, Paragraph 49).

**Claim 35:** Parulski, Tomat and Komar disclose a method of claim 29 wherein said at least one thumbnail image representing at least one digital image of said plurality of digital images is a compacted view of said at least one digital image (Parulski: Page 5, Paragraph 49).

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al ("Parulski" 20070067295 A1), Tomat et al. ("Tomat" 6784925) and Komar et al (

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“Komar” US 2003/0079224 A1) in further view of Willner et al. (“Willner” 7149370) and Davis et al (“Davis” 7010144 B1).

**Claim 34:** Parulski, Tomat and Komar disclose a method of claim 29 but do not explicitly wherein said different categories of information relevant to said digital image includes conditions of use and at least one of the following: file size, file format, royalties, file permissions and copyrights. However Willner discloses a method and device for image surfing and discloses providing additional information about image including file size (Column 8, Lines 24-31). Additionally Davis discloses associating image metadata with an image which includes copyright information and format (Column 10, Lines 24-29 and 50-51; Column 11, Lines 8-10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide file information as additional metadata to be provided in the modified Parulski as taught by Willner and Davis. One would have been motivated to provide file information to inform the user of specific details which can enhance user’s search capabilities, and additionally providing more detailed levels in Parulski.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Additionally, Parulski clearly demonstrates providing images in response to a search by a user (See Figure 7; Paragraph 15).

### **Conclusion**

Applicants amendments necessitated the new ground(s) of rejection presented in this office action.

Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

5-15-2010

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175